



City of Downey

FUTURE UNLIMITED

August 15, 2007

Conny B. McCormack
Registrar-Recorder/County Clerk
Election Coordination Section
12400 Imperial Highway, Room 3207
Norwalk, CA 90650

Re: **Resolutions – Canceling Special Consolidated Election
November 6, 2007; and Calling Special Municipal Election on
February 5, 2008**

Dear Ms. McCormack:

Enclosed are two certified copies of the following Resolutions adopted by the Downey City Council on August 14, 2007 canceling a Special Municipal Election on November 6, 2007 and calling a Special Municipal Election on February 5, 2008 for the purpose of a Charter Amendment put on the ballot by the City Council:

Resolution No. 07-7014: Canceling the Special Municipal Election which was to be held on November 6, 2007, and amending and **calling the Special Municipal Election on Tuesday, February 5, 2008**, for the submission to the qualified electors of the City of a certain measure relating to term limits.

Resolution No. 07-7015: Requesting the Board of Supervisors of the County of Los Angeles to **Consolidate a Special Municipal Election to be held on February 5, 2008, with the State Presidential Primary Election** to be held on that date pursuant to Section 10403 of the CA Elections Code.

The Charter Amendment needs a **majority** of votes cast for approval. Section 6 of Resolution No. 07-7014 does state that the City will reimburse the County for any expenses incurred to date of the Special Election previously called for November 6, 2007. Section 5 of Resolution No. 07-7015 does state that the City will reimburse the County for any costs.

The question, as well as the entire text of the Charter Amendment, is within the body of both Resolutions and we do request that the entire text of the Charter Amendment be printed in the Sample Ballot Pamphlet.

Certified copies of these Resolutions are also being mailed to the Executive Officer, Board of Supervisors.

Thank you for your courtesy and service. If you have any questions, please feel free to call me at (562) 904-7280.

Very truly yours,

Kathleen L. Midstokke

Kathleen L. Midstokke, CMC
City Clerk

encs.
cc: City Attorney Edward w. Lee

LA CO. REC.
EXECUTIVE OFFICE

CITY COUNCIL

RICK TREJO
MAYOR
DAVID R. GAFIN
MAYOR PRO TEM
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CITY MANAGER

GERALD M. CATON

CITY CLERK

KATHLEEN L. MIDSTOKKE

RESOLUTION NO. 07-7015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON FEBRUARY 5, 2008, WITH THE STATE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE.

WHEREAS, the City Council of the City of Downey called a Special Municipal Election to be held on February 5, 2008, for the purpose of submitting to the voters a question relating to Charter Amendment No. 13 – Term Limits; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the State Presidential Primary Election to be held on February 5, 2008, and that within the City of Downey the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Los Angeles canvass the returns of the City of Downey Special Municipal Election and that said State Presidential Primary Election and the City of Downey Special Municipal Election be held in all respects as if there were only one election, and only one form of ballot shall be used.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of the City of Downey Special Municipal Election with the State Presidential Primary Election on Tuesday, the 5th day of February, 2008, for the purpose of submitting the following question:

Charter Amendment No. 13: Shall a Charter Amendment, proposed by the Downey City Council, which amends Charter Section 500.1 Limitation of Terms from a two (2) term limit to a three (3) consecutive term limit and provides for additional terms after a two (2) year waiting period, be adopted?

Yes

No

SECTION 2. That the proposed complete text of the Charter Amendment submitted to the voters is as follows:

Charter Amendment No. 13: Section 500.1 of the Downey City Charter is hereby amended by deleting the existing wording and replacing it with the following: "Section 500.1 LIMITATION OF TERM. Any person who shall have served three (3) consecutive terms as a member of the Council shall be ineligible to serve again in the office until an intervening period of two (2) years has elapsed. For the purposes hereof, any person who serves as a Council Member for two (2) years or more of an unexpired term, or two (2) years or more of an elected term, shall be considered to have served a term. It is the intent of this Charter Amendment that this Amendment shall be retroactive."

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SECTION 3. That the County Election Department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 4. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the Consolidated Election.

SECTION 5. That the City of Downey recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs.

SECTION 6. That the City Clerk of the City of Downey is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Election Department of the County of Los Angeles.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 14th day of August, 2007.

RICK TREJO
RICK TREJO, Mayor

ATTEST:

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by the City Council of the City of Downey at a regular meeting held on the 14th day of August, 2007, by the following vote, to wit:

AYES:	5 Council Members:	Bayer, Cartozian, Gafin, Guerra, Mayor Trejo
NOES:	0 Council Member:	None
ABSENT:	0 Council Member:	None
ABSTAIN:	0 Council Member:	None

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk